

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB INC.,

Plaintiff,

v.

1900 JEROME AVENUE SPORTS BAR INC.
d/b/a MONUMENT SPORTS BAR, et al.,

Defendants.
-----x

07 Civ. 8081 (LLS) (KNF)

ORDER

This matter having been referred to Magistrate Judge Fox to hold an inquest and report and recommend the proper amount of damages, and Magistrate Judge Fox having issued his Report and Recommendation on December 17, 2008 in which he recommends that "no award of damages or costs be made" to plaintiff (Report at pp. 5-6), and no objections thereto having been received, and the time for objecting having expired; and

Having found after a careful review of the Report that there is no clear error on the face of the record, see Adeo Motor Cars, LLC v. Amato, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005); it is

ORDERED, that for the reasons stated by Magistrate Judge Fox, plaintiff is entitled to neither damages nor costs on the inquest, and plaintiff's application for a judgment by default is accordingly denied. The case is restored to my calendar and a status conference will be held on April 17, 2009 at 2:30PM in Courtroom 21C.

So ordered.

Dated: March 24, 2009
New York, New York

Louis L. Stanton
Louis L. Stanton
U.S.D.J.

